

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
ONE MILLION ONE HUNDRED AND ONE)
THOUSAND FOUR HUNDRED FIFTY)
FOUR DOLLARS AND THIRTY ONE)
CENTS (\$1,101,454.31) IN UNITED)
STATES FUNDS,)
Defendant.)
Civil Action No. 19-3276

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

COMES NOW, the plaintiff United States of America, by and through the United States Attorney for the District of Columbia, to bring this verified complaint for forfeiture in a civil action *in rem* against the defendant property, which is \$1,101,454.31 in United States funds, which law enforcement seized on or about November 20, 2014. In further support of its cause, plaintiff states as follows:

NATURE OF THE ACTION AND DEFENDANT *IN REM*

1. This is a civil action *in rem* for the forfeiture of the defendant property to the use and benefit of the plaintiff, the government of the United States of America. Pursuant to 21 U.S.C. § 881(a)(6), property is subject to forfeiture to the United States if it is “moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, . . . proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to

facilitate" any violation of Title II of Pub. L. 91-513, commonly called the Controlled Substances Act, as amended, codified at 21 U.S.C. § 801, *et seq.*

2. The defendant property is \$1,101,454.31 in United States funds. The defendant property is in the custody of the United States Marshal's Service.

JURISDICTION AND VENUE

3. This Court has original jurisdiction of this civil action by virtue of 28 U.S.C. § 1345, because it has been commenced by the United States, and by virtue of 28 U.S.C. § 1355(a), because it is an action for the recovery and enforcement of a forfeiture under an Act of Congress. Venue is proper in this District by virtue of 28 U.S.C. § 1355(b)(1), because this is a forfeiture action or proceeding brought in the district court for the district in which any of the acts or omissions giving rise to the forfeiture occurred, and by virtue of 28 U.S.C. § 1395, because a civil proceeding for the forfeiture of property may be prosecuted in the district in which the property is found. The defendant property is now, and during the pendency of this action will be, in the jurisdiction of this Court.

4. This civil action *in rem* for forfeiture is governed by 21 U.S.C. § 881, 18 U.S.C. § 983, the Federal Rules of Civil Procedure, and the Supplemental Rules for Admiralty Or Maritime Claims And Asset Forfeiture Actions, particularly Rule G.

STATEMENT OF FACTS

5. In 2010, a high-level drug trafficker became a target of a Drug Enforcement Administration ("DEA") investigation into narcotics trafficking from Colombia to the United States. A grand jury sitting in the District of Columbia issued an indictment in 2011 charging the trafficker with conspiracy to manufacture and distribute more than five kilograms of cocaine for importation into the United States. The Indictment contained a forfeiture allegation.

6. The trafficker agreed to plead guilty and cooperate with the United States as a Confidential Source (“CS”). Under the terms of the plea agreement, the CS was to forfeit to the United States any payments received as a result of illegal activities because any such property would be subject to forfeiture as proceeds of illegal conduct. That is, the CS agreed to forfeit any payments he or she received as a result of drug trafficking after the date of the plea agreement.

7. In 2014, the DEA began an investigation into Emilio Enrique Martinez and the Martinez Drug Trafficking Organization (“DTO”). The Martinez DTO was believed to be trafficking multi-kilogram shipments of cocaine from South America to the United States and Europe, and was laundering drug trafficking proceeds and paying for additional cocaine shipments using bank accounts.

8. During the course of the cooperation, the CS informed the DEA that the Martinez DTO owed the CS a pre-existing substantial debt for multiple shipments of narcotics. The CS agreed to provide the Martinez DTO with a DEA undercover bank account number and routing information to which the Martinez DTO could wire the money meant to repay the CS.

9. After the CS gave the Martinez DTO the account and routing numbers, the Martinez DTO made three payments into the DEA undercover account in the District of Columbia totaling \$1,101,454.31 as follows:

Date	Amount
September 23, 2014	\$758,604.31
October 7, 2014	\$10,000.00
October 20, 2014	\$332,850.00

10. DEA agents seized \$1,101,454.31 from the undercover bank account on or about November 20, 2014. The funds are now in the custody of the United States Marshal’s Service in Washington, DC.

COUNT ONE

11. The factual statements made in paragraphs 1 through 10 are re-alleged and incorporated by reference herein.

12. The defendant property is money, negotiable instruments, securities, and a thing of value furnished or intended to be furnished by a person in exchange for a controlled substance, proceeds traceable to such an exchange, or moneys, negotiable instruments, or securities used or intended to be used to facilitate a violation of 21 U.S.C. § 801, *et seq.*

13. As such, the defendant property constituting \$1,101,454.31 is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, the plaintiff respectfully requests that, as to the above-referenced defendant property, due process and a warrant of arrest *in rem* issue according to law; that, pursuant to law, notice be provided to all interested parties to appear and show cause why the forfeiture should not be decreed and the defendant property be condemned as forfeited to the United States of America; and for such other and further relief as this Court may deem just, necessary and proper.

Respectfully submitted,

JESSIE K. LIU
United States Attorney

/s/Arvind K. Lal

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Assistant United States Attorney
Stephanie Williamson, D.C. Bar No. 1044027
Special Assistant United States Attorney
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Washington, D.C. 20530
(202) 252-7688; Arvind.Lal@usdoj.gov
(202) 252-7785; Stephanie.Williamson2@usdoj.gov

VERIFICATION

I, Richard Kevin Schreiber, a Special Agent with the Drug Enforcement Administration, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing Verified Complaint for Forfeiture *In Rem* is based upon reports and information known to me and/or furnished to me by other law enforcement agents and that everything represented herein is true and correct to the best of my knowledge and belief.

Executed on this 31st day of October, 2019.

/s/
Richard K. Schreiber
Special Agent
Drug Enforcement Administration

CIVIL COVER SHEET

JS-44 (Rev. 5/12 DC)

I. (a) PLAINTIFFS		DEFENDANTS	
United States of America		ONE MILLION ONE HUNDRED AND ONE THOUSAND FOUR HUNDRED FIFTY FOUR DOLLARS AND THIRTY ONE CENTS (\$1,101,454.31) IN UNITED STATES FUNDS,	
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)		COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED	
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)		ATTORNEYS (IF KNOWN)	
Arvind K. Lal, Assistant U.S. Attorney U.S. Attorney's Office for the District of Columbia 555 Fourth Street, N.W. Washington, D.C. 20530		Unknown	
II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)		III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <u>FOR DIVERSITY CASES ONLY!</u>	
<input checked="" type="radio"/> 1 U.S. Government Plaintiff <input type="radio"/> 3 Federal Question (U.S. Government Not a Party)		PTF DFT Citizen of this State <input type="radio"/> 1 <input checked="" type="radio"/> 1 Incorporated or Principal Place of Business in This State <input type="radio"/> 4 <input checked="" type="radio"/> 4	
<input type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)		Citizen of Another State <input type="radio"/> 2 <input checked="" type="radio"/> 2 Incorporated and Principal Place of Business in This State <input type="radio"/> 5 <input checked="" type="radio"/> 5	
		Citizen or Subject of a Foreign Country <input type="radio"/> 3 <input checked="" type="radio"/> 3 Foreign Nation <input type="radio"/> 6 <input checked="" type="radio"/> 6	

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input type="radio"/> A. <i>Antitrust</i>	<input type="radio"/> B. <i>Personal Injury/Malpractice</i>	<input type="radio"/> C. <i>Administrative Agency Review</i>	<input type="radio"/> D. <i>Temporary Restraining Order/Preliminary Injunction</i>
<input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="checkbox"/> 151 Medicare Act Social Security <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) Other Statutes <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)		Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*

 E. *General Civil (Other)*

OR

 F. *Pro Se General Civil*

Real Property <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	Bankruptcy <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	Forfeiture/Penalty <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)
Personal Property <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	Prisoner Petitions <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement	Other Statutes <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
	Federal Tax Suits <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609		

<input type="radio"/> G. Habeas Corpus/2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
(If pro se, select this deck)		*(If pro se, select this deck)*	
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)
V. ORIGIN <input type="radio"/> 1 Original Proceeding <input type="radio"/> 2 Remand from State Court <input type="radio"/> 3 Remanded from Appellate Court <input type="radio"/> 4 Reinstated or Reopened <input type="radio"/> 5 Transferred from another district (specify) <input type="radio"/> 6 Multi-district Litigation <input type="radio"/> 7 Appeal to District Judge from Mag. Judge			
VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.) 21 U.S.C. § 881(a)(6), 18 U.S.C. § 983, and 28 U.S.C. § 1395			
VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ JURY DEMAND:	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> If yes, please complete related case form		
DATE: <u>10/31/2019</u>	SIGNATURE OF ATTORNEY OF RECORD <u>/s/ Arvind K. Lal</u>		

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should endure the accuracy of the information provided prior to signing the form.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)
c/o United States Attorney's Office) Civil Action No. 19-3276
555 Fourth St., N.W.)
Washington, D.C. 20530)
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Plaintiff,)
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v.)
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ONE MILLION ONE HUNDRED AND ONE)
THOUSAND FOUR HUNDRED FIFTY FOUR)
DOLLARS AND THIRTY ONE CENTS)
(\$1,101,454.31) IN UNITED STATES FUNDS,)
)
Defendant.)
_____)

WARRANT FOR ARREST IN REM

TO: THE UNITED STATES MARSHAL'S SERVICE AND/OR ANY OTHER DULY AUTHORIZED LAW ENFORCEMENT OFFICER:

WHEREAS a Verified Complaint for Forfeiture *In Rem* has been filed in the United States District Court for the District of Columbia, on the 31st day of October 2019, alleging that the defendant property is subject to seizure and forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6) and 28 U.S.C. § 1395,

YOU ARE, THEREFORE, HEREBY COMMANDED to serve the defendant property, thus bringing, within the jurisdiction of the Court, the said defendant property, more fully described as:

ONE MILLION ONE HUNDRED AND ONE THOUSAND FOUR HUNDRED FIFTY FOUR DOLLARS AND THIRTY ONE CENTS (\$1,101,454.31) IN UNITED STATES FUNDS,

Dated: October ____, 2019

Clerk of the Court

By: _____

Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**NOTICE OF DESIGNATION OF RELATED CIVIL CASES PENDING
IN THIS OR ANY OTHER UNITED STATES COURT**

Civil Action No. 19-3276
(To be supplied by the Clerk)

NOTICE TO PARTIES:

Pursuant to Rule 40.5(b)(2), you are required to prepare and submit this form at the time of filing any civil action which is related to any pending cases or which involves the same parties and relates to the same subject matter of any dismissed related cases. This form must be prepared in sufficient quantity to provide one copy for the Clerk's records, one copy for the Judge to whom the cases is assigned and one copy for each defendant, so that you must prepare 3 copies for a one defendant case, 4 copies for a two defendant case, etc.

NOTICE TO DEFENDANT:

Rule 40.5(b)(2) of this Court requires that you serve upon the plaintiff and file with your first responsive pleading or motion any objection you have to the related case designation.

NOTICE TO ALL COUNSEL

Rule 40.5(b)(3) of this Court requires that as soon as an attorney for a party becomes aware of the existence of a related case or cases, such attorney shall immediately notify, in writing, the Judges on whose calendars the cases appear and shall serve such notice on counsel for all other parties.

The plaintiff, defendant or counsel must complete the following:

I. RELATIONSHIP OF NEW CASE TO PENDING RELATED CASE(S).

A new case is deemed related to a case pending in this or another U.S. Court if the new case: [Check appropriate box(e's) below.]

- (a) relates to common property
- (b) involves common issues of fact
- (c) grows out of the same event or transaction
- (d) involves the validity or infringement of the same patent
- (e) is filed by the same pro se litigant

2. RELATIONSHIP OF NEW CASE TO DISMISSED RELATED CASE(ES)

A new case is deemed related to a case dismissed, with or without prejudice, in this or any other U.S. Court, if the new case involves the same parties and same subject matter.

Check box if new case is related to a dismissed case:

3. NAME THE UNITED STATES COURT IN WHICH THE RELATED CASE IS FILED (IF OTHER THAN THIS COURT):

United States District Court for the District of Columbia (11-cr-00301 (RMC))

4. CAPTION AND CASE NUMBER OF RELATED CASE(E'S). IF MORE ROOM IS NEED PLEASE USE OTHER SIDE.

United States of America

Gerson Alvarez-Duenas a/k/a "Kiko"

C.A. No.

10/31/2019

/s/ Arvind K. Lal

DATE

Signature of Plaintiff /Defendant (or counsel)